THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19364 OF 2007

DATED:13-09-2007

BETWEEN:

M.A.Kaleem.

..... PETITIONER

AND

The District Collector,
Sangareddy,
Medak District & 2 others.

.....RESPONDENTS

_
_
_
_
_
_

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in not acting on the recommendation forwarded by the Revenue Divisional Officer, dated 25-06-2007, as illegal and arbitrary.

3. It is the case of the petitioner that he was the successful bidder in the auction to sell the Government land admeasuring Ac.4.00 in Sy.No.32/4A, but they have erroneously notified referring Sy.No.321/2 which was subsequently corrected by errata as 32/4A. It is stated that in fact, the land in Sy.No.32/4A was purchased by
M/s Rock-Wool India Limited, Kavali from the original assignee and as the sale itself is hit by the provisions of Section 3(1) of the A.P.Assigned Land (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') the 1st respondent-District Collector passed an order, dated 21-12-2005, keeping the earlier order passed by him to hand over the land of an extent of Ac.4.00 in Sy.No.321/2 in abeyance until further orders. The said order has been questioned by the petitioner, and this Court granted interim suspension vide order, dated 23-03-2006, and thereafter on a vacate stay petition filed by the respondents the stay was vacated by order, dated

02-03-2007. However, *status quo* obtaining as on that day was directed to be maintained. It is stated that subsequent to the said order of this Court, dated 02-03-2007, there was a proposal to allow the alternative government land of an extent of Ac.3.00 in Sy.No.23/2 which is adjacent to the Tourism hotel and an extent of Ac.1.00 in Sy.No.23 which is located in front of Sri Sangameswara Temple Hill Top, situated at Kavali X road, the roads for which the petitioner has given his willingness and the Tahsildar vide his proceedings B/773/2004, dated 21-06-2007, recommended for allotment of the said land in favour of the petitioner and inturn vide Lr.No.C1/1953/07, dated 25-06-2007, recommended the allotment of the said land in favour of the petitioner by the 1st respondent. Thus, it is stated that the proceedings before the 1st respondent are pending.

4. Having regard to the facts and circumstances of the case, 1st respondent is directed to consider and pass appropriate orders pursuant to the said recommendations of the 3rd respondent-Mandal Revenue Officer as well as the 2nd respondent-Revenue Divisional Officer and in case, the 1st respondent decides to allot the said alternative land, final orders may be passed as expeditiously as possible subject to withdrawal of the earlier W.P.No.5756 of 2006 by the petitioner therein.

5. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

_____

V.ESWARAIAH,J

13th September, 2007.
Tsy